



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION FOR THE  
***PALEN SOLAR POWER PROJECT***

DOCKET NO. 09-AFC-7

ORDER NO. 10-1215-    

## COMMITTEE'S PROPOSED COMMISSION ADOPTION ORDER

***The Palen Solar Power Project AFC Committee proposes the following Commission Adoption Order be signed by the Commission:***

This Commission Order adopts the Commission Decision on the **Palen Solar Power Project**. The Commission Decision incorporates the Presiding Member's Proposed Decision (PMPD) in the above-captioned matter, the Override Findings, and the Committee Errata. The Commission Decision is based upon the evidentiary record of these proceedings and considers the comments received from the parties and the public. The text of the attached Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and Conditions imposed.

This **ORDER** adopts by reference the text, Conditions of Certification, Compliance Verifications, and Appendices contained in the Commission Decision. It also adopts specific requirements contained in the Commission Decision which ensure that the proposed facility will be designed, sited, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

### FINDINGS

The Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The **Palen Solar Power Project** will provide a degree of economic benefits and electricity reliability to the local area.
2. The Conditions of Certification contained in the accompanying text, if implemented by the project owner, ensure that the project will be designed, sited, and operated in conformity with applicable local, regional, state, and federal laws, ordinances, regulations, and standards, including applicable public health and safety standards, and air and water quality standards.
3. Implementation of the Conditions of Certification contained in the accompanying text will ensure protection of environmental quality and assure reasonably safe and reliable operation of the facility. The Conditions of Certification also assure that the project's direct, indirect, and cumulative adverse environmental impacts will be mitigated to the extent feasible. Where full mitigation is not feasible, overriding considerations warrant acceptance of those impacts.

4. The benefits of the **Palen Solar Power Project** outweigh the immitigable significant direct, indirect, or cumulative impacts which may result from its construction or operation.
5. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.
6. The project is subject to Fish and Game Code section 711.4 and the project owner must therefore pay a nine hundred forty-nine dollars and fifty cents (\$949.50) fee to the California Department of Fish and Game.
7. No feasible mitigation measures or site or generation technology alternatives to the project, as described during these proceedings, exist which would reduce or eliminate any significant environmental impacts of the mitigated project.
8. An environmental justice screening analysis was conducted and determined that the project, as mitigated, will not have a disproportionate impact on low-income or minority populations.
9. The Commission Decision contains a discussion of the public benefits of the project as required by Public Resources Code section 25523(h).
10. The Commission Decision contains measures to ensure that the planned, temporary, or unexpected closure of the project will occur in conformance with applicable laws, ordinances, regulations, and standards.
11. The proceedings leading to the Commission Decision have been conducted in conformity with the applicable provisions of Commission regulations governing the consideration of an Application for Certification and thereby meet the requirements of Public Resources Code sections 21000 et seq. and 25500 et seq.

## **ORDER**

Therefore, the Commission **ORDERS** the following:

1. The Application for Certification of the **Palen Solar Power Project** as described in this Decision is hereby approved and a certificate to construct and operate the project is hereby granted.
2. The approval of the Application for Certification is subject to the timely performance of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices. The Conditions and Compliance Verifications are integrated with the Commission Decision and are not severable therefrom. While the project owner may delegate the performance of a Condition or Verification, the duty to ensure adequate performance of a Condition or Verification may not be delegated.
3. The Commission Decision as described hereinabove is adopted, issued, effective, and final on December 15, 2010.

4. Reconsideration of the Commission Decision is governed by Public Resources Code, section 25530.
5. Judicial review of the Commission Decision is governed by Public Resources Code, section 25531.
6. The Commission hereby adopts the Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures as part of the Commission Decision in order to implement the compliance monitoring program required by Public Resources Code section 25532. All conditions in the Commission Decision take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.
7. The Commission Decision licenses the project owner to commence construction on the project within five years of this adoption date. Subject to the provisions of California Code of Regulations, title 20, section 1720.3, this license expires by operation of law when the project's start-of-construction deadline passes with no construction.
8. The project owner shall provide the Executive Director a check in the amount of nine hundred forty-nine dollars and fifty cents (\$949.50) payable to the California Department of Fish and Game.
9. The Executive Director of the Commission shall transmit a copy of the Commission Decision and appropriate accompanying documents, including the Department of Fish and Game fee, as provided by Public Resources Code section 25537, California Code of Regulations, title 20, section 1768, and Fish and Game Code, section 711.4.
10. We order that the Application for Certification docket file for this proceeding be closed on the effective date of the Commission Decision, with the exception that the docket file shall remain open for 30 additional days solely to receive material related to a petition for reconsideration of the Commission Decision.

Dated: December 15, 2010, at Sacramento, California.

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KAREN DOUGLAS  
Chair

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JAMES D. BOYD  
Vice Chair

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JEFFREY D. BYRON  
Commissioner

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ANTHONY EGGERT  
Commissioner

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ROBERT B. WEISENMILLER  
Commissioner